

Update on Regulation of Assisted Living

Presented To:

Joint Commission on Health Care

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By:

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Regulation of Assisted Living Facilities and Personnel

- Senate Bill 1183 (2005), patroned by Senator Emmett Hanger and House Bill 2512 (2005), patroned by Delegate Phillip Hamilton required greater oversight of assisted living facilities by DSS and regulation of all medication aides and some administrators by DHP.

Regulation of Assisted Living Facilities by Social Services

- Amendments became effective 12/28/06
 - 38 DSS staff received training 11/06
 - 859 providers received training 12/06
- Q & A presentations conducted for three provider associations.
- Technical assistance on Town Hall in 6/07
- 16 fewer ALFs on 5/1/07 than on 5/1/06
- Complaints
 - Founded complaints 1/06-4/06 = 77
 - Founded complaints 1/07-4/07 = 68

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Regulation of Assisted Living Facilities by Social Services

- Budget Amendment
 - Definition of department-approved course for *managers* of ALFs with 19 or fewer residents when there is shared administrator not to exceed 40 hours
 - Reinstatement of exception to requirement that at least one staff member be awake and on duty at all times in each building
 - Elimination of the requirements in the standard guiding intervention for high risk behavior

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Major Changes in Regulation of Assisted Living Facilities

- Staffing Plan
- Medication Management Plan
- Generator required to heat/cool 40 sq. ft. per person
- Registered dietician required quarterly for oversight
- Emergency Response Plans
- Infection Control Plans
- Increased training requirements for staff

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Top 10 Violations for Assisted Living Facilities

1/1/06 - 4/30/06

- Building & grounds maintenance
- Individualized Service Plan
- Medication Administration Record
- Medication Management Plan
- First Aid/CPR
- Furnishings and Equip. clean & in good repair
- Physician orders for meds/diet
- Building & grounds clean
- Physician orders in residents' records
- UAI

1/1/07-4/30/07

- Building & grounds maintenance
- Emergency Response Plan
- Individualized Service Plan
- Medication Administration Record
- Build & grounds clean
- Staffing Plan
- Furnishings and Equip. clean & in good repair
- Medication administration
- Written policy for resident's property
- Orientation for new residents

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Regulation of Medication Aides by Board of Nursing

- Legislation required the Board of Nursing to approve training programs for medication aides and to register all medication aides who administer drugs in assisted living facilities by July 1, 2008.

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Regulation of Medication Aides

- The Board has adopted regulations, effective July 1, 2007 for medication aides to:
 - 1. Have 68 hours of classroom and clinical training in medication administration, including insulin;
 - 2. Complete a state exam and an evaluation of competency to administer; and
 - 3. Have 4 hours of ongoing training in medication administration to renew registration.

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Regulation of Medication Aides

- Until July 1, 2008, persons who have one year of experience working as a medication aide in an assisted living facility can be registered by completing an 8-hour refresher course and the written test and clinical evaluation required for registration.

Regulation of Assisted Living Administrators

- The 2005 law also requires the Board of Long-Term Care Administrators to adopt regulations for the licensure of assisted living administrators.
- Administrators of facilities licensed only for residential care are exempt from the licensure requirement.

Regulation of Assisted Living Administrators

- Final regulations have been adopted but have been returned to the Board for reconsideration of 3 points:
 - State and national examination
 - Hours of training
 - Experience and education requirements

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Regulation of Assisted Living Administrators

- On June 4, 2007, a public hearing on the 3 points was held and the Task Force representing all assisted living groups met to make recommendations to the LTC Board. Recommendations are being sent to interested parties for comment.
- July 10, 2007 - The Board of Long-Term Care Administrators will meet to address the three points, consider the recommendations of the Task Force and all public comment.

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Regulation of Assisted Living Administrators

- Until regulations by the LTC Board are effective, the requirements for administrators in the DSS regulations are:
 - 30 credit hours of courses in human services or group care administration from an accredited college or university
 - Successful completion of a department-approved course specific to the administration of an assisted living
 - At least one year of administrative or supervisory experience in caring for adults in a group care